THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6223 of 2007

Dated:29.03.2007

Between:

Nedunuri Veerraju and others.

… Petitioners

AND

The State of A.P., and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6223 of 2007

ORDER:

The petitioners are Ward Members of Thotharamudi Gram Panchayat of Inavilli Mandal in East Godavari District. They filed the instant Writ Petition seeking invalidation of the proceedings dated 22.01.2007 issued by the third respondent, namely, the Divisional Panchayat Officer, whereunder administrative sanction was accorded for the work of formation of C.C.Road in the Village with an estimated cost of Rs.2,48,400/-.

It is the case of the petitioners that in 2006 when the fifth respondent convened a meeting to discuss the action plan for getting release of funds under Sampoorna Grameena Rojgar Yojana (SGRY), the petitioners did not accept the proposal to lay C.C road from Kottula Venkata Rao's House to Geddam Satyanarayana's House in Jai Bheem Nagar of the Village (hereafter called, the proposed road), as it is not an important road. However, on 24.11.2006, the General Body under the President ship of the fifth respondent met and resolved to request the Mandal Engineer to give estimate for the laying of the proposed road for 225 metres, though the Members did not accept the resolution. Subsequently, majority Members demanded a requisition meeting. On 06.12.2006 a meeting was held, in which, ten Members resolved to lay the road from Kunchi Buli Reddy's House to M.P.Elementary School, Jai Bheem Nagar, of the Village. The Sarpanch, however, did not accept the resolution and did not enter it in the minutes book. The petitioners then made a representation. The

third respondent issued orders dated 18.01.2007 directing to take up the works as approved by the General Body. The petitioners allege that without considering the representation made by them, the third respondent issued the impugned proceedings according administrative sanction for laying down the proposed road, which was not accepted by the Members. The petitioners contend that the impugned order is violative of Section 28(1) of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act').

After hearing the learned Counsel for the petitioners and the learned Assistant Government Pleader for Panchayats, this Court is convinced that the Writ Petition is misconceived. Section 28 of the Act only gives the right to the Members of the Gram Panchayat to participate in the meeting, to move resolutions and to vote. The same does not confer any right either on the petitioners or the Sarpanch to dictate the method and manner of according administrative sanction by the competent authority. A perusal of the impugned order passed by the third respondent would show that the same was passed after considering the proposal of the Gram Panchayat to take up the work of formation of the proposed road. A reading of paragraphs 3 and 4 of the writ affidavit would show that a resolution was passed on 24.11.2006 to take up the work, and whereas on 06.12.2006, even according to the petitioners, no such resolution was entered in the minutes book. Apart from this, the petitioners have no right, which they can enforce by filing the Writ Petition. If they have any grievance, they have to approach the Government for cancellation of the resolution in exercise of the powers under Section 246 of the Act.

The Writ Petition is accordingly dismissed. No costs.

_____

(**V.V.S.RAO, J**)

29.03.2007
vs